

1-1 By: Wentworth S.B. No. 1907
1-2 (In the Senate - Filed April 14, 2011; April 18, 2011, read
1-3 first time and referred to Select Committee on Open Government;
1-4 May 2, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 4, Nays 0; May 2, 2011, sent
1-6 to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1907 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to access to certain archaic information.
1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12 SECTION 1. Subchapter B, Chapter 552, Government Code, is
1-13 amended by adding Section 552.0215 to read as follows:
1-14 Sec. 552.0215. RIGHT OF ACCESS TO CERTAIN INFORMATION AFTER
1-15 75 YEARS. (a) Except as provided by Section 552.147, the
1-16 confidentiality provisions of this chapter, or other law,
1-17 information that is not confidential but is excepted from required
1-18 disclosure under Subchapter C is public information and is
1-19 available to the public on or after the 75th anniversary of the date
1-20 the information was originally created or received by the
1-21 governmental body.
1-22 (b) This section does not limit the authority of a
1-23 governmental body to establish retention periods for records under
1-24 applicable law.
1-25 SECTION 2. Subsection (b), Section 201.009, Local
1-26 Government Code, is amended to read as follows:
1-27 (b) Any local government record to which public access is
1-28 denied under Chapter 552, Government Code, including a birth record
1-29 maintained by a local registrar, is, if still in existence, open to
1-30 public inspection 75 years after it was originally created or
1-31 received. However, ~~[a birth record maintained by a local registrar~~
1-32 ~~is, if still in existence, open to public inspection 100 years after~~
1-33 ~~it was originally created or received and]~~ a death record
1-34 maintained by a local registrar is, if still in existence, open to
1-35 public inspection 55 years after it was originally created or
1-36 received. This subsection does not limit the authority of a
1-37 governing body or an elected county officer to establish retention
1-38 periods for records under Section 203.042.
1-39 SECTION 3. Subsection (d), Section 159.002, Occupations
1-40 Code, is amended to read as follows:
1-41 (d) The prohibitions of this chapter continue to apply to a
1-42 confidential communication or record relating to a patient
1-43 regardless of when the patient receives the services of a
1-44 physician, except for medical records at least 75 [~~100~~] years old
1-45 that are requested for historical research purposes.
1-46 SECTION 4. This Act takes effect September 1, 2011.

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